

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA *ex rel.*
Victoria Starr,

Plaintiffs,

v.

CIVIL ACTION NO. 04-cv-1529

JANSSEN PHARMACEUTICA
PRODUCTS, L.P.,

Defendant.

UNITED STATES OF AMERICA *ex rel.*
Lynn Powell,

Plaintiffs,

v.

CIVIL ACTION NO. 04-cv-5184

JANSSEN PHARMACEUTICA
PRODUCTS, L.P., and
JOHNSON & JOHNSON,

Defendants.

UNITED STATES OF AMERICA *ex rel.*
Camille McGowan and Judy Doetterl,

Plaintiffs,

v.

CIVIL ACTION NO. 05-cv-5436

JANSSEN PHARMACEUTICA, INC.,
JANSSEN PHARMACEUTICA
PRODUCTS, L.P., and
JOHNSON & JOHNSON, INC.

Defendants.

UNITED STATES OF AMERICA, <i>et al.</i> , <i>ex rel.</i>	:	
Kurtis J. Barry,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	CIVIL ACTION NO. 10-cv-0098
	:	
ORTHO-MCNEIL-JANSSEN	:	
PHARMACEUTICALS, INC. and	:	
JOHNSON & JOHNSON, INC.	:	
	:	
Defendants.	:	
	:	

JOINT STIPULATION OF DISMISSAL

The United States of America and Relators Victoria Starr, Lynn Powell, Camille McGowan, Judy Doetterl, and Kurtis Barry, through counsel, and pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) and the Settlement Agreement executed by the parties, file this Joint Stipulation of Dismissal as to Defendants Janssen Pharmaceuticals, Inc. and Johnson & Johnson.

In accordance with paragraph III.17 of the Settlement Agreement and Federal Rule of Procedure 41(a)(1)(B), the dismissal shall be as follows:

- (1) with prejudice as to the United States as to the Covered Conduct described in paragraph II.H of the Settlement Agreement;
- (2) without prejudice as to the United States as to all other claims; and
- (3) with prejudice as to Relators as to all claims, except Relators are not dismissing their claims arising under the *qui tam* provisions of any State with which Defendants do not execute a Medicaid State Settlement Agreement pursuant to the terms of this Settlement Agreement, and Relators are not dismissing their claims for reasonable attorneys' fees, expenses, and costs pursuant to 31 U.S.C. § 3730(d)(1) and applicable

laws of the Medicaid Participating States.

Relators request that the Court retain jurisdiction over their claims that are not dismissed.

Respectfully submitted,

STUART F. DELERY
Assistant Attorney General
Civil Division

ZANE DAVID MEMEGER
United States Attorney
Eastern District of Pennsylvania


CHARLENE KELLER FULLMER
Assistant United States Attorney
Eastern District of Pennsylvania
615 Chestnut Street, Suite 1250
Philadelphia, PA 19106
(215) 861-8301

/s/ Michael D. Granston
MICHAEL D. GRANSTON
JAMIE A. YABELBERG
JENNIFER L. CIHON
EDWARD C. CROOKE
Attorneys, Civil Division
U.S. Department of Justice
Commercial Litigation Branch
601 D Street NW
Washington, D.C. 20044
(202) 307-0238

VICTORIA STARR
Relator

/s/ Michael Mustakoff
Michael Mustokoff, Esq.
Duane Morris
30 South 17th Street
Philadelphia, PA 19103

LYNN POWELL
Relator

/s/ John Thurman
John Thurman, Esq.
Farrell & Thurman, PC
P.O. Box 671
Princeton, NJ 08542

CAMILLE MCGOWAN & JUDY DOETTERL
Relators

/s/ Daniel Oliverio
Daniel Oliverio, Esq.
Hodgson Russ
One M&T Plaza, Suite 2000
Buffalo, NY 14203-2391

KURTIS BARRY
Relator

/s/ Thomas W. Sheridan
Thomas W. Sheridan, Esq.
Sean E. Quinn, Esq.
SHERIDAN & MURRAY LLC
1500 Market Street
Philadelphia, PA 19102